

REMARKS

Appreciation is hereby expressed to Examiner Dickinson for the interview so courteously granted on November 18, 2010. Pursuant to that interview, Claims 2-6 and 8-17 have been cancelled, and Claim 1 rewritten to incorporate the subject matter of Claims 2-6. In addition, the spelling of polylactic acid has been corrected. The present amendment is deemed not to introduce new matter. Claim 1 remains in the application.

Reconsideration is respectfully requested of the objection to Claims 1-6 and 8-17 on the ground that polylactic acid is misspelled. This misspelling has been corrected and it is therefore believed that the objection is moot. Withdrawal of the objection is accordingly respectfully requested.

Reconsideration is respectfully requested of the rejection of Claims 1-6 and 8-17 under 35 U.S.C. 112, first paragraph, on the ground that the claims contain subject matter not contained in the specification, i.e., "the distance between a particular projection and its corresponding opening is smaller than the distance between the particular projection and an opening that does not correspond thereto". Support for this language can be found in the specification on page 9, lines 17-21. In view of this support for the language in Claim 1, it is believed that the rejection is moot. Withdrawal of the rejection is accordingly respectfully requested.

Reconsideration is respectfully requested of the rejection of Claims 1-6 and 8-17 under 35 U.S.C. 103(a) as being unpatentable over WO 2002032480 (WO '480) in view of US 20060222723 ('723).

As indicated above, Claim 1 has been rewritten to incorporate the subject matter of Claims 2-6. During the interview it was explained that a particular projection and its corresponding opening was defined or determined by the presence of a channel in the surface of the flat plate between the particular projections and the corresponding opening.

It was the understanding of counsel that amendment of Claim 1 as indicated herein would advance the prosecution of this application.

In the final rejection the examiner recognizes that the primary reference WO '480 fails to teach manufacturing the flat plate from polylactic acid and that it also fails to disclose the pyramidal projection diameters, conical projection heights, and opening diameters.

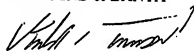
It is respectfully submitted that in the WO '480 reference there are no channels on the surface of the flat plate. It is respectfully urged that the only channels disclosed in the WO '480 reference are the grooved channels 38 which are formed in side walls 40 of the pyramidal microelement 32. These grooved channels connect with the openings 36 as shown in Fig. 4 of the '480 reference. It is clear from Fig. 4 that the openings are not spaced from the pyramidal microelement 32 but instead are positioned immediately adjacent and below microelement 32 and the grooved channels 38. In contrast, the claims herein now require that the openings are spaced from the conical or pyramidal projections and the channels are provided on the surface of the flat plate and not on the surface of the pyramidal projections.

In the final rejection and during the interview the examiner expressed concern about how one skilled in the art would ascertain which opening in the flat plate corresponds to a particular projection. It was understood that the examiner's concern was satisfied by amendment of Claim

1 to recite that the channels provided on the surface of the flat plate extend between an opening and a corresponding projection and the explanation that the correspondence of a particular opening and projection is defined by the presence of a channel on the surface of the flat plate between the opening and the projection. It is believed that the language of Claim 1 clearly patentably distinguishes from the examiner's combination of references for the reasons discussed above. Consequently, it is respectfully submitted that the examiner would be justified in no longer maintaining the rejection. Withdrawal of the final rejection is accordingly respectfully requested.

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance, and early action and allowance thereof is accordingly respectfully requested. In the event there is any reason why the application cannot be allowed at the present time, it is respectfully requested that the Examiner contact the undersigned at the number listed below to resolve any problems.

Respectfully submitted,
TOWNSEND & BANTA



Donald E. Townsend
Reg. No. 22,069

Date: December 1, 2010

TOWNSEND & BANTA
c/o FoundationIP
P.O. Box 52050
Minneapolis, MN 55402
Tel: 202-220-3124